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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/569,848

12/19/2006

Shigemasa Takagi

2000-29

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30448

7590

08/21/2009

AKERMAN SENTERFITT

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EXAMINER

ALTUN, NURI B

ART UNIT

PAPER NUMBER

3657

NOTIFICATION DATE

DELIVERY MODE

08/21/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip@akerman.com

Office Action Summary	Application No. 10/569,848	Applicant(s) TAKAGI ET AL.	
	Examiner Nuri Boran ALTUN	Art Unit 3657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 13-20, 23, 24 and 26 is/are pending in the application.
- 4a) Of the above claim(s) 1-10, 14, 20, 23, 24 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13 and 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment received on 05/29/2009 has been acknowledged.

Specification

Objections to the specifications have been overcome.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim **13** is rejected under 35 U.S.C. 102(b) as being anticipated by **Okamura (JPO 03125053)**.

As per claim 13, Okamura teaches a push block (38) for use with a metallic belt wound between annular V-grooves of a drive pulley and a driven pulley (see Fig. 1), wherein a plurality of the push blocks are for being superimposed with one another along the longitudinal direction of the metallic belt (see Fig. 2), the push block comprising: a side contact surface (50a) opposing inner side surfaces of the annular V-grooves of both pulleys; and

a front half of the contact surface forms an obtuse angle with a front surface of the push block, and a rear half of the contact surface forms an obtuse angle with a rear surface of the push block, wherein a ridge line functioning as an oil film breaking portion for breaking an oil film, which forms on the inner side surfaces of the annular V-grooves

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of the pulleys, extends along the entire length of the contact surface at a middle part of the contact surface in the widthwise direction (see Fig. 7),

wherein the push block is formed by bending a single wire material and then performing pressing (even though the product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. Bending or another method would result in the same structure of the product).

Claims **15-19** are rejected under 35 U.S.C. 102(b) as being anticipated by **Kato (JPO 10213185)**.

As per claim 15, Kato teaches a push block for use with a metallic belt wound between annular V-grooves of a drive pulley and a driven pulley (see Fig. 5), wherein a plurality of the push blocks are for being superimposed with one another along the longitudinal direction of the metallic belt (see Fig. 7), the push block comprising: a side contact surface opposing inner side surfaces of the annular V-grooves of both pulleys (see Figs. 5 and 6); and

a front portion of the contact surface forming an obtuse angle with a front surface of the push block, (see Fig. 7), and a groove (2e) extending along the entire length of the contact surface at the middle of the contact surface, wherein an inner wall of the groove and the contact surface defines the ridge line that functions as the oil film breaking portion, which forms on the inner side surfaces of the annular V-grooves of the pulleys (see Fig. 7), wherein the push block is formed by bending a single wire material and then performing pressing (even though the product-by-process claims are limited by

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and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. Bending or another method would result in the same structure of the product).

As per claims 16 and 17, Kato teaches the groove (2e) has a rectangular cross section (see Fig. 2) and a triangular cross section (see Fig. 1b).

As per claim 18, Kato teaches the side contact surface of the body of the push block in frictional contact with the inner side surfaces of the annular V-grooves of both of the pulleys and the side contact surface of the pillar continuous with the body side contact surface (see Figs. 5 and 6) includes a plurality of grooves (2e) extending parallel to the travel direction of the push block, with the width of the groove at the front side in the travel direction being wider than the width at the rear side in the travel direction (see Figs. 1b and 7).

As per claim 19, Kato teaches a metallic belt comprising a metal band and the push block (See Figs. 1a and 6).

Response to Arguments

Applicant's arguments filed on 05/29/2009 have been fully considered but they are not persuasive.

Applicant first argues, "The ridge line does not have a width or thickness, but has a specific length. In contrast, Okamura discloses a contact surface 50a having a width (C) located at opposite side surfaces of a block 28 be forming the opposite side surface in a trapezoidal shape. The contact surface 50a is formed for obtaining a large friction coefficient with the pulleys and cannot be referred to as a ridge line as it has a width

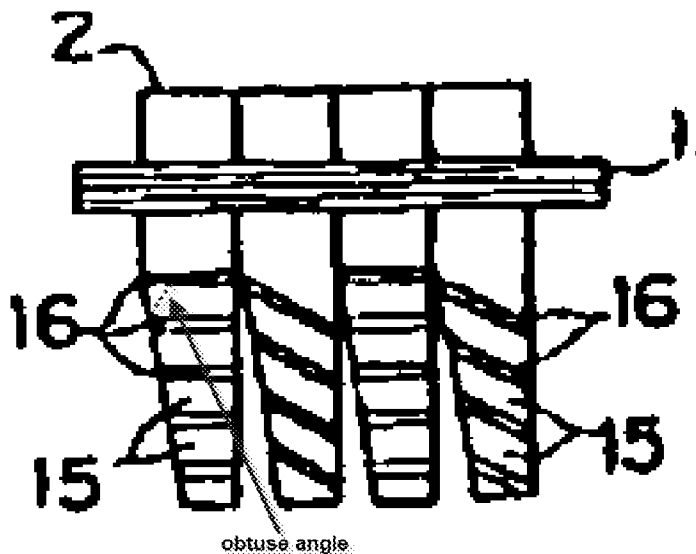
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(C). Accordingly, the contact surface 50a of Okamura is not a ridge line and does not have an oil film breaking function.” The examiner notes that since the applicant did not provide a specific description for ridge line in the disclosure of the application, the term ridge line has been given the broadest reasonable interpretation and not considered as a line not having a width or thickness. Also, since the surface 50a is in contact with the lubricating oil on the conical faces of the variable pulley (see abstract), it inherently has an oil film breaking function.

Applicant next argues, “the claimed ridge line extends along a direction perpendicular to the travel direction of the block. This is different from Kato's block as the Kato block does not have an oil film breaking function.” The examiner respectfully disagrees. As it clearly states in the abstract of the Kato reference, the ridge lines act to facilitate elimination of an oil film formed at contact faces.

Applicant also argues, “Kato does not teach front portion of the contact surface forming an obtuse angle with a front surface of the push block.” The examiner notes that, in the figure below, the front portion of the contact surface shows an obtuse angle with a front surface of the push block.

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nuri Boran ALTUN whose telephone number is (571)270-5807. The examiner can normally be reached on Mon - Fri 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272 7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bradley T King/
Primary Examiner, Art Unit 3657

NBA